IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.138 OF 2007

Smt.Tarabai Bhimrao Deshmukh ..Petitioner.

V/s.

Shri Balbhim Shankarro Salunkhe & Ors. ..Respondents.

Mr.A.P. Kulkarni for petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 13th APRIL, 2007.

P.C. :-

Heard the advocate for the petitioner. In this Contempt Petition the breach alleged is of undertaking given by the first respondent herein who was the petitioner in the Writ Petition No.5260 of 1994. The undertaking was given to the effect that he will not part with the possession of the property subject matter of the Writ Petition and will not induct any outsider therein.

2. Perusal of the averments made in the Contempt Petition shows that there is no specific allegation in this Contempt Petition that the first respondent (Petitioner in the Writ Petition) has committed the breach of the undertaking.

3. Mr.Kulkarni appearing for the petitioner states that the first respondent has committed breach of undertaking. I do not find any such specific allegation of breach against the first respondent. If grievance of the petitioner is that the first respondent has committed any breach of the undertaking, it is for the petitioner to file a separate proceedings in that behalf.

4. At this stage, Mr.Kulkarni appearing for the petitioner states that he will file a proper contempt petition containing proper averments.

5. In view of what is stated above, no case is made out as of today for issuing notice in this Contempt Petition.

6. Subject to what is stated above, Contempt Petition is disposed of.

(ABHAY S. OKA, J.)